IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 5256 of 2001

Between:

1.Sd.Ghiyajuddin S/o Amrulla,

Age 42Yrs., Occ: P.E.T.

2. Smt. Lurthimery W/o Chennapu Reddy

Age 49Yrs., Occ: S.G.Teacher.

3. S,t. R.Vimala Devi, W/o Narsaiah,

Age 51 Yrs., Occ: School Assistant

4. P.Kumaraswamy S/o Kanakaiah,

Age 36Yrs., Occ: Record Assistant

5. R.Narasaiah S/o Uppalaiah,

Age 50Yrs., Occ: Attender

(All are working in the Vani Nikhetan High School

Denabad Colony, Warangal)

6. M.Laxminarayana, S/o Buchaiah,

Age 43Yrs., Occ: Teacher

7. M.Thirupathi Reddy, S/o Illa Reddy,

Age 37Yrs., Occ: Teacher

(Petitioner 6and 7 are working

in the Vivekan Vardhini Upper Primary School,

Narsampet, Warangal District.)

..... PETITIONERS

AND

1. The Government of A.P.,

   Rep. By its Principal Secretary,

   Edcuation Department, Secretariat,

   Hyderabad.

2. TheDirector of School Edcuation, Government

   Of A.P., Hyderabad.

3. The District Edcuational Officer,

   Warangal Distict at Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not paying the arrears to the petitioners 1 to5 with effect from 1.6.1998 to 31.10.1989 and petitioners 6 and 7 with effect from 1.9.1985 to 31.10.1989 is as illegal, improper, arbitrary null and void and consequently direct the respondents to pay the arrears to the petitioners 1 to 5 with effect from 1.6.1985 to 31.10.1989 and petitioners 6and 7 with effect from 1.9.1985 to 31.10.1989 forthwith.

Counsel for the Petitioner: MR.M.YESHWANTH KUMAR

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following :

–

–

–

–

–

–

–

–

–

ORDER:

The first petitioner was appointed as a PET teacher in Vani Nikhetan High School, Denabad Colony, Warangal on 28.01.1985, and was absorbed into the aided post as per G.O.Ms.No.326 dated 17.10.1989. The second petitioner was appointed in the same school as S.G. Teacher on 3.07.1981 in a Management Post and subsequently she was absorbed into the aided post with effect from 1.6.1985, third petitioner was appointed as a school Assistant in the same school on 12.06.1985 and absorbed into the aided post, the fourth petitioner was appointed as a Record Assistant in the same school in Management post on 20.01.1983 and subsequently absorbed into the grant-in-aid post with effect from 1.6.1985 as per G.O.Ms.No.178 Education dated 23.7.1999 and the fifth petitioner was appointed as an Attender in the Management post in the same School on 4.4.1983 and subsequently absorbed in to the aided post with effect from 1.6.1985 as per the said G.O. Similarly, sixth petitioner was appointed as Teacher in Sri Viveka Vardhini Upper Primary School, Narsampet, Warangal on 1.9.1985 into the aided post and salaries were paid to him up to 28.2.1986 and seventh petitioner was appointed as a teacher in the same school in the clear aided vacancy post on 6.11.1986. Admittedly, their posts were absorbed into grant-in-aid by the Government as per G.O.Ms.No.326, dated 17.10.1989. The grievance of the petitioners is that the respondents are not paying arrears to them. For petitioners 1 to 5 arrears are due from 1.6.1985 to 31.10.1989 and for petitioners 6

and 7 arrears are due from 1.9.1985 to 31.10.1989. Hence, the present writ petition.

Questioning the in action of the Government in not paying the arrears, similarly situated persons have filed writ petitions before this Court and in similar circumstances W.P.No.15879 of 1990 was allowed on 27.07.1995. Aggrieved by the same, Government filed W.A.No.1745 of 1995, and the same was dismissed by a Division Bench of this Court, which was reported in 1996(3) ALD page 1098.

In ***Government of A.P. v. G.V.K. Girls High School*** (referred to supra), Division Bench of this Court held that similarly situated persons, whose posts were admitted into grant-in-aid, can not be denied all the arrears on the ground of paucity of funds.

In view of the facts and circumstances of the case and in view of the aforesaid judgment, the writ petition is allowed directing the respondents to pay the arrears to the petitioners 1 to 5 from 1.6.1985 to 31.10.1989 and petitioners 6 and 7 from 1.9.1985 to 31.10.1989, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday the Eighteenth day of August Two thousand and four.

_____

18-08-2004

Note: Issue C.C. in one week

B/o

klp

To

1. The Government of A.P.,

   Rep.by its Principal Secretary,

   Education Dept., Secretariat, Hyderabad.

2. The Director of School Education,

   Andhra Pradesh, Hyderabad.

3. The District Educational Offier,

   Warangal District, Warangal.

4. 2CCs to G.P. form School Education, High Court buildings,

Hyderabad.(OUT)

5 2CD copies